

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MICHAEL A. HAMILTON,

Case No. 2:17-CV-2856 JCM (DJA)

Plaintiff(s),

ORDER

V.

FEDERAL JUSTICE DEPARTMENT,

Defendant(s).

Presently before the court is Magistrate Judge Hoffman's report and recommendation ("R&R"). (ECF No. 5).

Judge Hoffman recommends dismissing *pro se* plaintiff Michael A. Hamilton's complaint with prejudice for failure to state a claim upon which relief can be granted. (ECF No. 5). Plaintiff brings claims against the Federal Justice Department, alleging it has been disturbing him with ever-intensifying audio messages for approximately seven years. (ECF No. 1). Plaintiff alleges these messages have caused him pain, seizures, and seven heart attacks. *Id.* Additionally, plaintiff alleges the Justice Department has attempted to murder him by breaking into his home and putting feces in his medications. *Id.* Even construing these allegations liberally, Judge Hoffman recommends dismissing the complaint because it describes delusional scenarios that do not state a claim upon which relief can be granted. (ECF No. 5).

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

1 Where a party fails to object, however, the court is not required to conduct “any review at
2 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
3 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
4 magistrate judge’s report and recommendation where no objections have been filed. *See United*
5 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
6 employed by the district court when reviewing a report and recommendation to which no
7 objections were made).

8 Nevertheless, this court conducted a *de novo* review to determine whether to adopt the
9 recommendation of the magistrate judge. Upon reviewing the recommendation and attendant
10 circumstances, this court finds good cause appears to adopt the magistrate judge's findings in
11 full.

12 || Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Hoffman's R&R
14 (ECF No. 5) be, and the same hereby is, ADOPTED.

IT IS FURTHER ORDERED that plaintiff's complaint is hereby DISMISSED with prejudice.

17 The clerk is instructed to enter judgment and close the case accordingly.

18 DATED March 16, 2020.

~~Xem c. Mahan~~
UNITED STATES DISTRICT JUDGE